

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:14-CR-79-F

UNITED STATES OF AMERICA)
)
 v.)
)
JOSEPH IRVEN POWELL, JR.)

FINAL ORDER OF FORFEITURE

WHEREAS, on October 28, 2015, this Court entered a Preliminary Order of Forfeiture pursuant to the provision of 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), and the following property was forfeited to the United States, to wit:

Real Property

All that 14.5 acre parcel of real property with improvements and appurtenances thereto located on Old Smith Chapel Road in Mount Olive, North Carolina, and more particularly described in a deed recorded in Book 1031, Page 844 of the Wayne county Registry.

Firearms

Smith & Wesson 9mm bearing serial number 060085,
Marlin Model 25 .22 rifle serial number 14668057,
Mossberg .308 rifle serial number BA128224,
Mossberg 12 gauge pump shotgun serial number P948277,
.22 caliber revolver serial number 983154,
Black Berretta pistol bearing serial number PY74535,

.22 Springfield rifle serial number unknown,
Model 870 Remington shotgun serial number RS71269,
Ruger .22 cal revolver serial number 69-50702,
Model 710 Remington rifle .243 serial number 71286215, and
AR-15 serial number FH62876;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between June 23, 2016 and July 22, 2016, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions, and said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, the defendant and all potential interested parties were further advised by the filing of the motion as to the forfeiture of the related two magazines and rounds of ammunition associated with the forfeited Black Beretta Pistol and Model 710 Remington Rifle;

AND WHEREAS, the subject personal property was served while in the custody of the U. S. Marshal Service on March 25, 2016;

AND WHEREAS, the subject real property was served by an agent of the U. S. Marshal's Service on May 20, 2016 by posting the Preliminary Order of Forfeiture on the property;

AND WHEREAS, the potential petitioners as to the subject properties in this criminal forfeiture action are: Marjorie Gail Powell, the Wayne County Tax Collector, and Jonathan Paul Frizzelle;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Marjorie Gail Powell, via certified mail on March 26, 2016 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the Wayne County Tax Collector, via certified mail on March 29, 2016 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Jonathan Paul Frizzelle, at his place of incarceration via certified mail, return receipt requested on March 30 and 31, 2016, by an agent of the U.S. Postal Service;

AND WHEREAS, it appears from the record that no petitions or claims, contested or otherwise, have been filed for any of the subject property described in this Court's October 28, 2015 Preliminary Order of Forfeiture or the additional two magazines and rounds of ammunition associated with the forfeited Black Beretta Pistol and Model 710 Remington Rifle;

It is HEREBY ORDERED, ADJUDGED and DECREED:

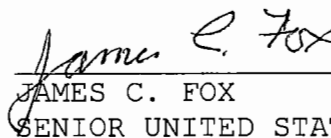
1. That the subject property listed in the October 28, 2015 Preliminary Order of Forfeiture and the additional two magazines and rounds of ammunition associated with the forfeited

Black Beretta Pistol and Model 710 Remington Rifle are hereby forfeited to the United States. The United States Department of Justice or the United States Department of Treasury is directed to dispose of the property according to law, including destruction. All right, title, and interest in the subject real and personal property shall vest in the United States as of the date of commission of the offenses committed by the defendant which rendered the property subject to forfeiture.

2. That any and all forfeited funds shall be deposited by the United States Department of Justice or the United States Department of Treasury as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund or the Department of Treasury's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED this 18 day of October, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE